

Attorney Docket No.: 10028.204-US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#11

In re Application of: M. Rasmussen

Confirmation No: 8949

Serial No.: 09/869,855

Group Art Unit: 1636

Filed: July 5, 2001

Examiner: T. McKelvey

For: Method For Increasing Gene Copy Number In A Host Cell And Resulting Host Cell

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, DC 20231

Sir:

This paper is filed in response to the Office Action mailed January 14, 2003, which provided that the reply filed on 10/30/02 is not fully responsive to the prior Office Action because the reply did not identify the claims readable on the elected species.

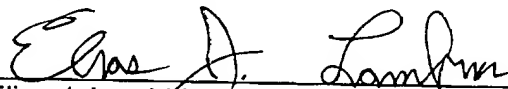
As pointed out in the earlier reply, the restriction and election of species requirements do not comply with the unity of invention standard under the Patent Cooperation Treaty and therefore are improper.

Applicants previously elected the following species: galactose epimerase as the enzyme, UDP-galactose as the inhibitory compound, and galactose as the precursor. All pending claims (i.e., claims 1, 2, 4, 5, 7-20, 22, 23, 32, 44, 45, 59 and 61) read thereon.

The Examiner is hereby invited to contact the undersigned by telephone if there are any questions concerning this response or application.

Respectfully submitted,

Date: January 30, 2003



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CERTIFICATE OF FACSIMILE TRANSMISSION **FAX RECEIVED**Commissioner for Patents
Washington, DC 20231

JAN 31 2003

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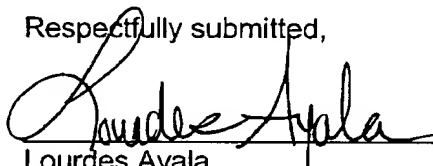
Sir:

I hereby certify that the attached correspondence comprising:

1. Response to Restriction Requirement.

was sent to the United States Patent and Trademark Office by telefax to the attention of Examiner T. McKelvey, fax number (703) 308-4242.

Respectfully submitted,



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Date: January 30, 2003